

MINUTES

TOBACCO EDUCATION AND RESEARCH OVERSIGHT COMMITTEE

September 12, 2000
Hilton Inn, Los Angeles Airport

Members Present:

Lourdes Baezconde-Garbanati, Ph.D.
David M. Burns, M.D.
Jennie R. Cook, Chairperson
Gus T. Dalis, Ed.D
Thomas Paton
Dorothy Rice
George Rutherford, M.D, M.P.H.
Ken Wesson, Ph.D

Vacancies (Appointing Authority):

Health Care Employees Representative
(Senate Rules Committee)
Volunteer Health Organization Representative
(Speaker of the Assembly)
Local Health Department Representative
(Governor)
Target Population Group Representative
(Governor)
Department of Health Services Representative
(Governor)

Members Absent:

None

Others in Attendance:

Dileep G. Bal, M.D. Chief, Cancer Control Branch, Department of Health Services (DHS)
Francisco Buchting, Tobacco Related Disease Research Program (TRDRP)
Marc Burgat, American Heart Association (AHA)
Jeff Clingenpeel, DHS/Tobacco Control Section (TCS)
Laura Eastman, Ground Zero
Larry Gruder, Ph.D, Director, Special Research Projects, University of California (UC)
Cynthia Hallet, Americans for Nonsmokers Rights (ANR)
Alan Henderson, PhD American Cancer Society (ACS)
Carlene E. Henriques, Tri-County South Regional Tobacco-Free Project
Susanne Hildebrand-Zanki, Ph.D., Director, TRDRP
Rae Kine, Department of Education, Healthy Kids Program Office (HKPO)
Sylvia Koik, Ventura County Superintendent of Schools Office
Jon Lloyd, Chief, Data Analysis and Evaluation Unit, DHS/TCS
Theresa Marino, City of Long Beach, Dept. of Health & Human Services

Catherine McMillan, Coachella Valley Prevention Program
Curtis Mekemson, American Lung Association (ALA), Thumbs Up! Thumbs Down!
Greg Oliva, DHS/TCS
Kenneth O’Nell, DHS/TCS
Herm Perlmutter, County of Orange, Tobacco Use Prevention Program
Peggy Preacely, M.P.H., City of Long Beach, Tobacco Program
Kevin F. Reilly, D.V.M., M.P.V.M, Acting Deputy Director for Prevention Services, DHS
April Roeseler, DHS/TCS
Robin Shimizu, Assistant Chief, DHS/TCS
Jim Smith, Ground Zero
Colleen Stevens, Chief, Media Unit, DHS/TCS
Ben Strasser, Los Angeles County, Office of Education (LACOE)
Kori Titu, ALA, Thumbs Up! Thumbs Down!
Perlee Tobias Trout, LACOE
Peggy M. Uyeda, LACOE
Cyndi Yee, Ground Zero
Sabrina Yougaray, Tri-County South Regional Tobacco-Free Project

1. Welcome and Introductions: Review of Meeting Agenda

Mrs. Jennie Cook, Chair, called the meeting to order at 10:00 a.m. and welcomed members of the committee and others in attendance, and asked that everybody introduce themselves.

2. A Report on the 11th World Conference on Smoking or Health

The Chair ran the videotape **“Why?”** an anti-tobacco motivational tape that was part of the opening ceremony at the 11th **World Conference on Tobacco or Health (WCTOH)** in Chicago.

The Chair noted that over 4500 people from 191 countries attended the conference. She estimated that 300-400 copies of the **“Why?”** tapes were available at the conference so that many of the participants were able to take tapes home. The Chair commented that Tobacco Control Section (TCS) contractors here in California would no doubt put the **“Why?”** tapes to good use. Colleen Stevens confirmed that every funded project would receive two copies of these tapes the next several weeks. The Chair thanked the TCS for their efforts in developing and disseminating the tape. Also, she added that on more than one occasion she was filled with a sense of pride when our work in California was profiled. She was especially proud to learn that other countries such as Canada are in the process of implementing tobacco control programs that are modeled after California’s program.

The Chair summed up the results of the **WCTOH: 4 Conference Resolutions** passed, **160 Fellowships** awarded throughout the world (which helps provide “seed money” for local programs to start on their own) and **Lourdes Baezconde-Garbanati, Ph.D.** was awarded the Hero Award from the National Alliance of Hispanic/Latino Network.

3. Approval of Minutes from May 2 Meeting, Chairperson Update, Announcements, Review of Correspondence

Dr. Gruder stated that the minutes erroneously listed him being in attendance at the May 2nd meeting. The Committee agreed the attendance list should be corrected.

MOTION AMENDED to approve the minutes with the correction to the attendance list.
MOTION CARRIED UNANIMOUSLY.

NEW ACTION ITEM (#1): REMOVE LARRY GRUDER'S NAME FROM THE LIST OF ATTENDEES AND REPUBLISH THE MINUTES OF THE MAY 2, 2000 MEETING.

Upon approval of the minutes, the committee began a review of the prior meeting's Action Items. The Chair reported the status of the Action Items as follows:

Action Item 1 was a request to provide TEROC members with a copy of DHS's policies and procedures for media advertising. Colleen Stevens of the TCS informed the committee that this document was in the process of being completed, and that it should be ready soon.

Action Item 2 was the request by TEROC members for a report on **Thumbs Up! Thumbs Down!** The Chair noted that this report was included in the packet of materials for the meeting, and in addition, there would be a presentation on **Thumbs Up! Thumbs Down!** in the afternoon.

Action Item 3, a letter to the Governor requesting that federal tobacco settlement money be allocated according to the recommendations from the committee's Master Plan, had been sent, and the committee was waiting for a reply.

Action Item 4, a letter to the Director of DHS outlining TEROC's expectations that the data tapes from the California Tobacco Survey (CTS) be released to the Tobacco Related Disease Research Program (TRDRP) after it is made available to the State. The Chair stated that this letter has been mailed to the Director.

At this point, the Chair asked that in the future, consideration be given to making the Action Items separate from the minutes to ensure better tracking of the items therein.

The Chair pointed out that Dan Walters' column in the Sacramento Bee that day criticized the Legislature for "losing" Senate Bill (SB) 673, and thus preventing it from being passed and sent to the Governor. This bill would have expanded health care to certain specified uninsured children, and it would have also provided tobacco settlement funds for tobacco control and cessation programs.

Walters' lamented the loss of the bill but concluded it was the "correct outcome" as he criticized the practice of earmarking funds for specific purposes.

MOTION by The Chair to send a letter in response to the column, to the editor of the Sacramento Bee explaining TEROC's position that money originating from tobacco taxes should be spent on health and tobacco control. **MOTION CARRIED UNANIMOUSLY.**

NEW ACTION ITEM (#2): WRITE A LETTER TO THE EDITOR OF THE SACRAMENTO BEE REFUTING COLUMNIST DAN WALTERS' CONCLUSION THAT THE MSA MONEY SHOULD NOT BE EARMARKED FOR SPECIFIC HEALTH CARE PURPOSES.

The Chair commented on other tobacco-related newspaper editorials, such as the recent one in the Marin Journal trying to influence rental property owners to set aside blocks of apartments for smoke free occupancy, so that the household would be smoke free. There was also an editorial in the San Francisco Chronicle calling for Governor Davis to not appropriate any of the settlement money.

Mrs. Cook related a satirical ad campaign presented at the WCTOH that parodied a new cigarette called "Clean Cut". In the presentation, the manufacturers of this cigarette passed out "Clean Cut" buttons, conducted a market analysis, and had testimonials from former smokers saying that if they knew that if there were a cigarette like this they would probably go back to smoking again. They even had testimony from physicians from North Carolina saying that they would "support their use of Clean Cut".

Theresa Marino from the City of Long Beach, Department of Health & Human Services, Tobacco Education Program brought it to the Committee's attention a product that she found in a community store right across the street from their agency. The product is an herbal cigarette that is packaged for kids.

Ms. Marino stated that she had downloaded internet information and had brought some of the herbal cigarettes for members to see. She added that, because they are said to contain no tobacco, the local police are not able to do anything about sales to kids, although one officer did say that they have cigarette paper which is considered *paraphernalia*, which is illegal to sell to or be possessed by kids under Penal Code 308. The school district also claims that they can't do anything, because there is no tobacco in them. Ms. Marino said they were trying to put out an alert on these cigarettes to other Tobacco Education Programs.

The Chair asked Ms. Marino who the manufacturer was, and she replied that it was a company called **Alternative Cigarette Company** out of New York. Ms. Marino indicated that this company is trying to compete with the "Big 5. Also, she said she has posted the warning on **PARTNERS** web-site. She went on to say that what troubled her more than anything else was the fact that the cigarettes are packaged to look like the toys in a package of Lucky Charms breakfast cereal. Another one is patterned after a video game that kids call Magic. Ms. Marino said that Alternative Cigarette's web-site has a "how to" page for getting retailers to carry these products in your community. They also carry a tobacco line.

At 10:30, the Chair commented that Marc Burgat was running late, so agenda items 4 and 5 were switched to allow for Mr. Burgat to give his legislative update later in the agenda.

4. Reports: DHS Tobacco Control Section; Department of Education; University of California, Tobacco-Related Disease Research Program

DHS Tobacco Control Section

Dileep Bal, Chief of the Tobacco Control Section (TCS) updated the committee on a few personnel changes in TCS. Dr. Bal informed the committee that April Roessler has been promoted to Chief of Local Programs and Evaluation, and Doug Robins was promoted to Health Education Consultant III, which was April Roessler's old position. Jon Lloyd was also promoted to Chief of the Evaluation Unit. Both Doug and Jon report directly to Ms. Roessler. Greg Oliva is the new "policy guru" in the position Jon Lloyd was in for many years. Mr. Oliva reports to Robin Shinizu.

Dr. Bal also announced that recently Colleen Stevens, who heads the Media Program, received a long deserved promotion; she is now a Health Program Specialist II. Dr. Bal then informed the committee that TCS has recently announced that the contract for the new advertising agency has been awarded to Ground Zero. Dr. Bal noted that Mr. Jim Smith, the Chief of Ground Zero, made himself available for the TEROC meeting, and he asked Jim to stand up and be recognized.

Department of Education

Rae Kine from the Department of Education, Healthy Kids Program Office presented a report on the California Asset Development Resiliency and Youth Development Program. This summer institute was conducted in San Diego in July. Its purpose was to get communities to think differently about youth. Ms. Kine reported that a lot of research indicates that the more youth are bonded to adults, the less likely they are to be involved in high-risk behaviors.

The chair then went on to the next item on the agenda under the Department of Education, which was a presentation by Ben Strasser and Peggy Uyeda from the Los Angeles County Office of Education. They spoke about the California Healthy Kids Program Dissemination Center.

Mr. Strasser started by showing a "Quick Video." He then went on to say that the Healthy Kids Program Office determined about 2 or 3 years ago that they needed to get a "dissemination center" up and running to showcase and disseminate programs in use in the state. The dissemination center was charged with setting up a database of programs in use in California Tobacco Education Safe and Drug Free Schools Programs. The database contains a contact person, evaluation data on the program, and other relevant information that might be useful in a web-search. He went on to say that the other part of this program pertains to the showcasing of

the existing programs that meet certain criteria. He informed the group that the showcases of workshops are taking place in the month of November, although the dates are not yet set.

Peggy Uyeda added that the purpose of the California Healthy Kids Program Dissemination Center is to provide a statewide dissemination service to districts and county offices about programs that are being used throughout the state.

Ben Strasser talked about the “super web site” (*CaliforniaHealthyKids.org*), as well as the showcase known as the “quick video,” shown earlier. He stated that the website was initiated because when they went to do a search, they found that there were no real search engines capable of doing what was needed. So now, one has to only type in “California Healthy Kids” to get to the homepage, from there you can access a list of other alternatives such as Programs and Consultants. The “quick video” gives an abbreviated description of the programs, and it is meant to show the strategies and products of Healthy Kids, and to do it succinctly. Dr. Rutherford said that the web-site discussion for him raises the larger issue about what DHS has planned for in terms of web site creation, etc. Dr. Reilly told the committee that those plans are actually being developed right now.

Tobacco-Related Disease Research Program

Susanne Hildebrand-Zanki, Ph.D., gave a short presentation on the TRDRP Report. She reported that in conjunction with the California Department of Education, Healthy Kids 2000, they Co-funded a research grant called the Academic Achievement Award. They received 8 applications this year and 3 of them were funded. The tobacco research program is funding the academic component and the Department of Education is funding the school component.

Dr. Hildebrand-Zanki also reported that TRDRP is starting a new series of workshops, and that invitations went out the week before. She stated that staff are going to go to look at three different locations starting in Oakland, then San Diego, and finally Los Angeles in October. They will all be one-day workshops that are designed to bring together potential applicants, the community, and school folks who are considering applying. They would also like to invite recipients of grants so they can talk to them about issues that they have to deal with.

Dr. Hildebrand-Zanki also reported that another project that they have been working on for the last year is the Cornelius Hopper Diversity Award Supplement. This program provides additional funds to already funded investigators to help mentor students who want to pursue research careers in tobacco use and tobacco-related issues.

Finally, Dr. Hildebrand-Zanki reported that TRDRP will be having its annual Investigators Meeting on November 30 - December 1, 2000. The theme for this year’s conference is Environmental Tobacco Smoke (ETS), Dying without Trying. The plenary session will address the epidemiology, the biology, and the policy implications of ETS exposure. The meeting will be at the Sheraton Inn in San Diego. Invitations are due out very soon.

Dr. Rutherford praised the Supplement program, and noted that, in reading through the list of institutions he found that there were no Veterans Administration (VA) hospitals, although there were other federal facilities. He stated that he was curious because the VA puts a huge emphasis on tobacco issues, and especially on cessation. He inquired as to whether federal facilities were eligible?

Dr. Hildebrand-Zanki said that in fact they have funded the VA in the past through their foundation.

Dr. Bal reported that a new initiative called the *Phillip Morris External Research Program* is now out there in full swing. He said it is disquieting because it appears that taking tobacco industry money doesn't seem to bother at least some people within the UC system. He asked the TEROC membership what can be done.

Dr. Burns stated that, although this is a complex issue, in this case, based on his reading of the materials, taking the money would be WRONG. He went on to say that, on the other hand, there are a number of important areas where an independent researcher may need to work with Phillip Morris, possibly in investigating some of the new products or for some of the other things that are very important, and that he was a little cautious about saying the UC system should never under any circumstances ever have any relationship with Phillip Morris. He said that he doesn't necessarily believe that Phillip Morris is acting automatically in bad faith.

Dr. Dalis suggested that the Committee consider sending a letter on whether or not researchers should accept these industry funds. **MOTION** by Dr. Burns to write a letter to the UC Regents recommending a policy, establishing the conditions under which Principal Investigators may accept tobacco industry funding.

Dr. Bal cautioned the members and expressed his concern that some people feel that consorting with the enemy is repugnant, no matter what the situation.

After some discussion, Dr. Burns agreed that in this case Principal Investigators should not take industry funds, and he revised his motion. Dr. Burns agreed to develop an initial draft of the letter. Gus Dalis seconded the revised motion, and it was carried unanimously.

ACTION ITEM #3: WRITE A LETTER TO THE UC BOARD OF REGENTS REQUESTING THAT THEY ADOPT A POLICY REGARDING THE FUNDING OF RESEARCH PROJECTS THAT INCLUDES A PROVISIO THAT TOBACCO INDUSTRY FUNDING WILL NOT BE ACCEPTED.

Dorothy Rice was very pleased to announce she was awarded a three-year grant from TRDRP Program to study smoking and health care costs in California.

Legislative Update

Mark Burgat from the American Heart Association prefaced the update with the comment that during this session, all legislation that dealt with expenditure of the tobacco settlement funds were basically held in committee. Mr. Burgat then went through some of the more notable legislative bills of the session. They are as follows:

AB 107 (Knox) This bill would have prohibited CALPERS from investing in tobacco-related stocks (the bill died). In his opinion, the committee wants to take back to the Assembly.

SB 1180 (Speer) This was a tobacco retailer licensure bill, and it died in committee for lack of support.

AB 2582, (Ackerman) If enacted, this legislation would have ELIMINATED certain punitive damage awards. The author claimed it was geared towards industries other than tobacco. In any case, it would have put a cap on all punitive damages for consumer lawsuits in the state of California. Mr. Burgat said the bill died fairly early.

SB 2070 (Schiff) This bill would have set standards for self-extinguishing cigarettes. The Heart Association did not take a position either way on this bill, which died the last week of the session.

SB 673 (Escutia) Mr. Burgat noted that this was probably the most interesting bill. It would of have expanded health care to specified uninsured children, and it would have also provided all of the \$500 million of the tobacco settlement funds for use in health care and tobacco control and cessation programs. In the last week of session it was amended to capture some matching funds from the federal government. Although it is difficult to know exactly what happened, somewhere on the road between the Assembly and the Senate the bill got lost. Mr. Burgat said that if you read the comments by the President Pro Tem, who was in support of the legislation, you get an idea of his frustration; it is unfortunate that the bill didn't make it to the Governor's Office to be signed.

SB 1510 (Lockyer) This bill would have eliminated all self serve tobacco venues, for the most part. Although it exempted cigars, it would have eliminated free tobacco sampling on private property, especially at places like the Winston Races, where last year 2 free packs of cigarettes were being given away to people who gave them their name and address.

Mr. Burgat ended his presentation by saying the good news was that no "negative" bills were passed during the session.

Dr. Dalis asked to go on record with a statement that TEROC appreciates what the non-profits are trying to do regarding the settlement issue. **MOTION** by Dr. Dalis to write letters to the American Heart Association, the American Lung Association, the American Cancer Society and

the Americans for Non-Smoking Rights thanking them for their support. **MOTION CARRIED UNANIMOUSLY.**

ACTION ITEM #4: WRITE A LETTER TO THE NON-PROFITS (AHA, ALA, ANR, ACS), THANKING THEM FOR THEIR SUPPORT ON THE TOBACCO FUNDS SETTLEMENT ISSUE.

Lunch Break from 12:00-1:15

The chair called the meeting to order, and Dr. Rutherford asked to speak prior to starting the afternoon's agenda about an item discussed in the morning, because he had to leave the meeting early. He requested that DHS investigate the possibility that the warning labels on the herbal cigarettes that were discussed earlier in the morning were in violation of Proposition 65. The members concurred with this request.

ACTION ITEM 5: SUBMIT TO DHS THE WARNING LABELS FOUND ON HERBAL CIGARETTES FOR REVIEW FOR LEGAL SUFFICIENCY AND POTENTIAL LEGAL ACTION FOR NON-COMPLIANCE.

Media Campaign

The next item on the agenda was a presentation by Colleen Stevens in the Media Campaign Unit.

Colleen began her presentation by saying that much has happened in terms of the media campaign since the last TEROC meeting. First, the approval process for the Department. The Director has taken an active interest in speeding up the approval process, and there has been an effort to insure the media campaign is on every week in the general market and in the ethnic market. Also, the Governor approved the media budget at \$45 million, which was \$16 million more than the previous year.

Colleen indicated that although a copy of the actual report approval process that TEROC requested is not yet available, the process itself has changed considerably. In general, she stated that the approval process has been drastically abbreviated.

Colleen explained that this faster ad approval process is ironic, because the screen actors guild have been on strike which means they are "dead in the water". Because of this strike, TCS has signed an interim agreement with a separate agency (other than Ground Zero) representing the screen actor's guild. This will enable new ads going into production within two weeks of this meeting.

There were a number of questions regarding the status of the "Chained Ad". Colleen responded by saying the add is currently under review, and that it has been edited. The theme in this ad "the

tobacco industry built addiction on SLAVERY” is very controversial to a certain percentage of the population, with an equal percentage of the black population and the White population being uncomfortable with the analogy. She added that another equal percentage of the population think it is the most powerful ad that we have ever had.

Gus Dalis asked Colleen about the issue of “public apathy” that many believe is the source of some of the general lack of interest to anti-tobacco advertisements. He wondered if our ad campaigns are seen as being “unfair” in light of the fact that the tobacco industry is making itself out to be for “public health” and the community.

Update on Program Evaluation

Jon Lloyd stated that 1999 will be one of the better years for tobacco control, although he is aware that there are about 4 million adult smokers in California. Notwithstanding this fact, he added that between 1998 and 1999 youth smoking in California dropped 35%. He reported that, according to a national study by the Substance Abuse and Mental Health Administration (SAMHSA), California now has the lowest youth smoking prevalence of any state in the nation at 9%, with Utah next lowest at 10.3% and Kentucky highest at 23.9%. This reduction has come as a result of the price increases that occurred in 1999 and the tobacco control and prevention education programs.

Mr. Lloyd also reported that new studies have confirmed that the Environmental Tobacco Smoke issue and having smoke free policies in homes, work places and schools has a direct association with reductions in smoking prevalence rates among youth.

Report on MSA Compliance

Dennis Eckhardt, Senior Assistant Attorney General, passed out a report on the Master Settlement Agreement, (MSA) to members and everyone in attendance

Mr. Eckhardt explained the purpose of the Memorandum of Understanding between the State, Counties and certain Cities regarding distribution of the MSA payments. In terms of the sharing of the tobacco revenues, the State receives 50% and the counties and four largest cities share the other 50%, with the counties sharing on population basis. The four cities are San Diego, San Francisco, San Jose and Los Angeles, and 5% is distributed between them.

Mr. Eckhardt stated that there are two kinds of payments under the Master Settlement Agreement. The first are the “initial payments”, and there are 5 of them. The other payment category is the annual payments. These payments come in April each year and they will go on in perpetuity as long as cigarettes manufactured by settling companies continue to be sold in California. The payments start out at a base amount of \$4.5 billion and top out at \$9 billion in the year 2018. He stated that the first annual payment that was received in April was for \$441 million.

Report on Thumbs Up! Thumbs Down!

Kori Titus made a short presentation on the *Thumbs Up/Thumbs Down* program. She stated that the program has four objectives: (1) To determine how much tobacco use is actually in the movies and television; (2) to raise public awareness about this issue; (3) to “inoculate” young people against being influenced by these images, and (4) to influence the entertainment industry.

Ms. Titus also stated that the project put together a training manual that is now translated by the World Health Organization into Spanish.

Curt Mekeinson talked about evaluation of *Thumbs Up! Thumbs Down!* He stated that they decided to get young people to do their reviews for them. They wanted to make sure that what they collected would be accurate, so they went through an extensive training with their young people, and they did multiple reviews of every movie. They are reviewed at least 3 times.

Curt stated that UCLA School of Public Health was asked to look at the process by which they gather data. The kinds of data they looked at included the extent and type of tobacco use, where people smoke, brand exposure, who uses tobacco, and what messages are perceived by youth.

Kori spoke briefly about the STARS program, and its three defining characteristics: (1) To work directly with the entertainment industry, (2) outreach to the general community, and finally (3) to figure out how much influence the tobacco industry actually has on the entertainment industry.

With the agenda complete, the Chair commented that the committee should consider planning for TEROC meetings for the new year. Lastly, Larry Gruder requested that a representative from the California Board of Equalization attend the next meeting in Sacramento.

The Chair then announced the next meeting will be in Sacramento on Tuesday, December 12, 2000. The meeting was convened at 3:00 p.m.

ACTION ITEM 6: LARRY GRUDER REQUESTED THAT TEROC INVITE A REPRESENTATIVE FROM THE STATE BOARD OF EQUALIZATION TO ATTEND THE NEXT MEETING.

ACTION ITEM 7: ESTABLISH DATES FOR THE TEROC MEETINGS IN 2001.